



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James P. HOEFFLER, et al.
Title: SINGLE CHAIN MONOCLONAL ANTIBODY
FUSION REAGENTS THAT REGULATE
TRANSCRIPTION IN VIVO
Appl. No.: 09/939,769
Filing Date: 08/28/2001
Examiner: Stephen L. Rawlings
Art Unit: 1642

DECLARATION REGARDING DEPOSIT OF MICROORGANISMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I declare:

1. A deposit of the microorganism identified as Plasmid pVP167eo in TOP10 Escherichia coli, of ATCC Designation 98483 and the microorganism identified as pBTM116 in TOP10 Escherichia coli, of ATCC Designation 98484, was made at the American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852 USA and accepted under the provisions of the Budapest Treaty for patent purposes.
2. The deposits registered in the name of Invitrogen Corporation and having ATCC Designations 98483 and 98484 were made on July 3, 1997.
3. All restrictions on the availability to the public of the culture deposited will be irrevocably removed upon the granting of a patent from the above-identified application.
4. The deposit will be replaced if viable samples cannot be dispensed by the depository.
5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were

made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Signed this 16th day of June, 2005,

Michael M. Bent
Reg No. 34,717

SAB

Name: Stephen A. Bent
Reg. No. 29,768
Applicants' Representative

JUN-16-05

13:29

FROM-

T-200 P.003/003 F-918



American Type Culture Collection

12341 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 908-768 ATCCROVE • FAX: 301-816-4366

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Invitrogen Corporation
Attn: Theodore J. DeFrank
1600 Faraday Avenue
Carlsbad, CA 92008

Deposited on Behalf of: Invitrogen Corporation

Identification Reference by Depositor:

ATCC Designation

Plasmid pVP16Zeo in TOP10 *Escherichia coli*
Plasmid pBTM116 in TOP10 *Escherichia coli*

98483
98484

The deposits were accompanied by: ___ a scientific description X a proposed taxonomic description indicated above.

The deposits were received July 3, 1997 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

X We will not inform you of requests for the strains.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested July 23, 1997. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: July 28, 1997

cc: Scully, Scott, Murphy & Presser

BP4/9

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